

SATURDAY, 9 o'clock, A. M., Dec. 8, 1849.

The Senate was called to order by the President. Senators present; Messrs. Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McKee, Moffett, Parker, Pease, Taylor, Truit, Van Derlip, Ward and Wallace; prayer by the chaplain; the journals of yesterday were read and adopted.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to amend the 2nd section of an act entitled an act to prohibit the boards of land commissioners in each county in this State, from issuing certificates to any claimant whatever, unless the applicant or claimant shall previously thereto have received a certificate from some competent board; approved March 1, 1848.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a head right certificate to A. S. Cunningham.

A bill to establish the 11th Judicial District of the State of Texas.

A bill to define the time of holding the courts in the 11th Judicial District.

A bill concerning passengers coming to the State of Texas.

A bill to provide for the payment of jurors.

A bill providing payment for the forage, subsistence, &c., of a company of mounted volunteers, mustered into the service of the State on the 10th June, 1849, by Col. H. L. Kinney.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported joint resolution for the relief of Albert Von Ger Mar, correctly enrolled, and that the same was presented to the Governor on the 7th inst., for his approval.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to authorize any two county commissioners to perform the duties of Chief Justice of the county court when said office is vacant, or when said officer is absent or is unable or disqualified to act; returned the same to the Senate without amendments, and recommended its passage.

Mr. Phillips, from the same committee, made the following report, which was read and adopted.

The committee on the Judiciary have had under consideration a resolution of the Senate relative to a new general fee bill, and have instructed me to report that they deem it inexpedient to attempt any alteration in the existing law. Since its enactment, there has scarcely been time to test its merits; and although

some few changes might seem desirable, yet as there exists great diversity of sentiment on the subject, it may well be questioned whether any other bill could be framed at this time that would impart more satisfaction than the one on our statute book. This after long and much vexed discussion, was adopted emphatically as a compromise bill.

Your committee deem it prudent to leave it untouched at least till time shall work a stronger conviction of its faults. They therefore ask to be discharged from the further consideration of the subject.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred the petition of James Taylor and accompanying documents, reported the following bill and recommended its passage.

A bill to authorize the Commissioner of the General Land Office to issue a head right certificate, first class, for one league and labor of land to James Taylor; read first time.

Mr. McRae introduced a bill for the relief of William K. Melton; read first time.

Mr. Van Derlip offered the following resolution:

Resolved, That the Governor be requested to furnish the Senate with all reports of the Treasurer of the State, made to the Executive Department since the adjournment of the last Legislature; and if no such reports have been received, that he inform the Senate of the reasons of such unusual delay.

On motion of Mr. Gage, laid on the table till Monday, the 10th inst.

ORDERS OF THE DAY.

Joint resolution for the relief of Hugh McClure; read third time and passed.

A bill to provide for the payment of jurors; read third time and passed.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a head right certificate to A. S. Cunningham; read third time and passed.

Mr. Wallace, from the committee on Public Lands, to whom was referred the petition of Sarah Corzine, reported a bill to authorize and require the Commissioner of the General Land Office to issue a patent to William Shipp of Sabine county, for one league of land; read first time.

A bill providing payment for the forage, subsistence, &c., of a company of mounted volunteers mustered into the service of

this State on the 10th June, 1849, by Col. H. L. Kinney; read third time and passed by the following vote:

Yeas—Messrs. Cooke, Davis, Gage, Kinney, McRae, Moffett, Parker, Portis, Robertson, Taylor and Van Derlip; 11.

Nays—Messrs. Grimes, Hart, Latimer, Pease, Phillips, Ward and Wallace; 7.

A bill for the relief of Jonathan Bird; read third time; the yeas and nays being called on the passage of the bill, stood as follows:

Yeas—Messrs. Cooke, Davis, Gage, Hart, Moffett, Parker, Phillips, Portis, Truit, Van Derlip and Ward; 11.

Nays—Messrs. Grimes, Latimer, Pease, Robertson, Taylor and Wallace; 6; rejected, two thirds not voting for it.

A bill to define the time of holding the District Courts in the 11th Judicial District; read third time and passed.

A bill to amend the second section of an act entitled an act, to prohibit the boards of land commissioners in each county in this State from issuing certificates to any claimant whatever, unless the applicant shall previously thereto have obtained a conditional certificate from some competent board, approved March 1st, 1848; read third time and passed.

A bill for the relief of the citizens of Jasper county: read third time and passed.

A bill to establish the 11th judicial district of the State of Texas; read third time and passed.

A message was received from the Governor informing the Senate that he had signed and deposited in the office of the Secretary of State the following acts:

An act to establish the mileage and per diem pay of the electors of President and Vice President of the United States;

An act providing for running and establishing correctly the line between the Nacogdoches and Fannin Land Districts;

An act to amend the first section of an act fixing the time at which laws passed shall go into effect, &c., approved 16th January, 1840; and joint resolution for the relief of Thomas Ward,

A bill, concerning passengers coming to the State of Texas; read third time and passed.

A bill to amend the 3d, 4th, 6th and 7th sections of an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., approved March 15, 1848; read second time, and, on motion of Mr. Latimer, referred to the committee on Roads, Bridges and Ferries.

Mr. Portis offered the following resolution:

Resolved, That the committee on Indian Affairs be instructed

to inquire and ascertain, if possible, what number of persons have been killed or captured, during the present year, within the settlements of Texas; by what tribe or tribes of Indians; if to be ascertained, the name and the sex of the persons killed or captured, if known; also, to inquire and ascertain what other depredations have been committed by the Indians, and the value of property stolen or carried away by them, if any;

Be it further resolved, That said committee have power to send for persons and papers, in their investigation of the subject, and that they report to the Senate, at the earliest day practicable, the result and facts of such investigation that the Legislature may take action thereon; adopted.

Mr. Gage moved to reconsider the vote which passed the bill providing payment for the forage and subsistence of the company of mounted volunteers mustered into the service of this State, on the 10th June, 1849, by Col. H. L. Kinney.

On motion of Mr. Latimer, the motion to reconsider was laid on the table until Monday, the 10th inst.

Mr. Robertson moved to reconsider the vote which rejected a bill for the relief of Jonathan Bird.

On motion of Mr. Portis, the motion to reconsider was laid on the table.

A bill to incorporate the Bexar Manufacturing Company; read second time, and, on motion of Mr. Van Derlip, referred to the Judiciary committee.

Joint resolution requiring the Commissioner of the General Land Office to issue certificates to persons, who have located on a grant of eleven leagues made to John Cameron, agent of Jose Maria de la Garza, for the quantity of land they have been required to relinquish; read second time, and, on motion of Mr. Grimes, referred to the Judiciary committee.

A bill to authorize and require the Commissioner of the General Land Office to issue a patent to Robert W. Latimer for six hundred and forty acres of land; read second time, and ordered to be engrossed.

A bill to amend the 6th section of an act regulating sequestrations, approved March 15, 1848; read second time, and, on motion of Mr. Phillips, referred to the committee on the Judiciary.

A bill to amend the 24th section of an act regulating attachments, approved March 11th, 1848, and to add to said act another section to be section 31; read second time, and, on motion of Mr. Parker, referred to the Judiciary committee.

Joint resolution appropriating five thousand dollars for the

compensation of assessors of direct taxes for taking the enumeration of the inhabitants of the State of Texas for the year 1848 read second time, and, on motion of Mr. Parker, referred to the committee on Finance.

Joint resolution providing for the removal of certain Spanish documents from Nacogdoches county to the State Department; read second time, and, on motion of Mr. Latimer, referred to the Judiciary committee.

A bill to authorize any two county commissioners to perform the duties of chief justice of the county court, when said office is vacant, or when said officer is absent from the county or is unable or disqualified to act; read.

Mr. Van Derlip moved to amend the bill by adding to the end of the first section: "Provided that said county commissioners shall, in no case, be authorized to transact the Probate business;" lost.

Mr. Wallace moved to amend by striking out "county" in the 5th line, section 1, and inserting "State;" adopted.

The bill was then ordered to be engrossed.

Mr. Robertson presented the following protest:

AUSTIN, December 7th, 1849.

The undersigned avails himself of the constitutional privilege of presenting his solemn protest against the passage of a joint resolution by the Senate, on the 28th ultimo, "to extend the time for the payment of government dues and the return of field notes on lands," for the following reasons: This resolution authorizes and requires the Commissioner of the General Land Office to receive the promissory notes of the late Republic of Texas for land dues, when, in the opinion of the undersigned, there is no such currency lawfully in circulation, or if there are any of that character of the liabilities in circulation at all, they are, by a law of the State, expressly postponed. This law was passed by the last Legislature and approved on the 20th day of March, 1848, and required all the holders of the liabilities of the late Republic of Texas, including, of course, her promissory notes, to file them with the Auditor and Comptroller, on or before the second Monday in November last; and as before remarked, all evidences of indebtedness not so filed are expressly postponed. This law, also, authorized those officers to issue to the creditors a different character of indebtedness. The holders of this new character of indebtedness are, by the operation of the law, against the passage of which the undersigned protests, excluded entirely from the use of their claims at the Land Office. Under the opera-

tion of the law of March 20th above referred to, four-fifths of the promissory notes of the Republic have been filed in the Auditor's office, and the operation of the law passed by the Senate, on the 28th ult., will be to benefit exclusively the remaining one-fifth of our creditors, who are the holders of this particular character of our liabilities, and that, too, when their claims have been expressly postponed by law, while all who have complied with that law, are excluded from using their claims.

This, in the opinion of the undersigned, is illegal, unjust and an infringement upon the just rights of our other creditors, and he protests against it in the most solemn manner, because, in his opinion, it should place all the creditors on equal ground and secure to them all an equal share in the benefits of any law, by which those liabilities are to be redeemed by the State.

J. B. ROBERTSON.

On motion of Mr. McRae, the Senate adjourned.

MONDAY, 9 o'clock, A. M., December 10, 1849.

The Senate was called to order by the President. Senators present: Messrs. Cooke, Davis, Gage, Grimes, Latimer, McRae, Moffett, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace. The journals of Saturday were read and adopted.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to change the names of Melissa J., James, Alexander and Parola Simonds, reported the same back to the Senate and recommended its passage.

On motion of Mr. Ward, Mr. Pease was excused from attendance, on account of sickness.

On motion of Mr. Portis, the motion to reconsider the vote which rejected a bill for the relief of Jonathan Bird, was taken up, and vote reconsidered.

The Chair decided that it required a vote of two-thirds of the Senate to pass the bill; from which decision Mr. Ward appealed.

The Senate sustained the appeal, and the bill passed by the following vote:

Yeas: Messrs. Cooke, Davis, Gage, Kinney, Moffett, Phillips, Portis, Truit, Van Derlip and Ward—10.

Nays: Messrs. Grimes, Latimer, McRae, Robertson, Taylor and Wallace—6.